

Serial no. 10/736,155 - Hatfield et al.

Remarks

Claims 1-12 remain of record in this application. Claims 1-4, 7, 9, 10, and 12 have been amended. No claims have been cancelled or added.

Support for the amendment to the specification and claims is inherent in the originally filed disclosure. Specifically, the recitation in claims 1 and 7 of adding o-diphenol compound (and polyphenol oxidase in claim 1) in "an amount effective" to reduce the degree of proteolysis is disclosed in the specification at paragraph no. 0027 on page 13. The recitation in claim 9 that o-diphenol compound is applied per gram of fresh "weight" of the crop is supported by the disclosure at paragraph no. 0014 on page 6. The remaining amendments have been presented in an attempt to use consistent terminology throughout and to avoid confusion. The scope of the claims has not been altered.

Election Requirement

Applicants kindly thank the Examiner for the withdrawal of the requirement for election.

Rejection Under 35 U.S.C. 112, First Paragraph

Claims 1-12 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

Serial no. 10/736,155 - Hatfield et al.

requirement. The Examiner has taken the position that the term "in sufficient quantity" is not described in the specification. Applicants respectfully disagree and have amended the claims in an effort to more clearly set forth the claimed process.

Claims 1 and 7 have been amended to replace the term "a sufficient quantity", with "an amount effective". This terminology is consistent with that described in the specification at paragraph no. 0027 on page 13. As described therein, the term "effective amount" is defined as that "quantity of o-diphenol compound and polyphenol oxidase necessary to achieve a reduction in proteolysis of ensiled material as compared to an untreated control under suitable conditions of treatment as defined herein." The specification also provides guidance for the determination of "effective amounts". For example, paragraph no. 0014 on page 6 discloses that the o-diphenol compound is applied to forage "at a rate ranging from about 5 to about 30 micromoles per gram of fresh weight forage", and that the polyphenol oxidase is applied "at a rate of about 0.1 to about 1 unit per gram of fresh weight forage." Applicants respectfully submit that the disclosure therefore provides sufficient guidance to enable a practitioner skilled in the art to practice the claimed invention without an undue amount of

Serial no. 10/736,155 - Hatfield et al.

experimentation or speculation, particularly when the claims are read in light of the specification.

Claim 9 has also been rejected as the term "fresh material" is not described in the specification. In response, the claim has been amended to recite the "fresh weight", which is consistent with claim 3. As noted above, paragraph no. 0014 on page 6 discloses that the o-diphenol compound is applied to forage "at a rate ranging from about 5 to about 30 micromoles per gram of fresh weight forage", and that the polyphenol oxidase is applied "at a rate of about 0.1 to about 1 unit per gram of fresh weight forage" (emphasis added). Thus, the term refers to the fresh weight of the forage or crop material which is to be ensilaged.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 1-12 have been rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully disagree and have amended the claims in an effort to more clearly set forth the invention. Each of the issues raised by the Examiner are addressed separately hereinbelow.

Serial no. 10/736,155 - Hatfield et al.

A. Claim 1 has been rejected as lacking antecedent basis for "the ensilaged material" in lines 5-6. In reply, the claim has been amended to recite "the crop material" throughout the claim. Independent claim 7 at line 6, and claims 9, 10, and 12, dependent therefrom, have also been amended to recite "the crop to be ensilaged" in an attempt to use consistent terminology. Antecedent basis is provided in line 3 of claim 7.

B. Claim 1 has been rejected as lacking antecedent basis for "the material" in line 2. In reply, claim 1 has been amended at line 2 to recite "a crop material".

C. Claim 3 has been rejected as lacking antecedent basis for "the crop material" in line 2. In reply, applicants believe that the amendment to claim 1 now provides adequate antecedent basis for the term. In addition, claim 3 has also been amended to recite "the crop material to be ensilaged" in an effort to be more consistent with the terminology of claim 1.

D. Claim 3 has been rejected as unclear as not identifying the object to which the compound is being applied to. In reply, claim 3 has been amended to recite that the compound is applied

Serial no. 10/736,155 - Hatfield et al.

to "the crop material to be ensilaged". Applicants believe that the claim as amended should now be clear.

In view of the foregoing, applicants respectfully submit that claims 1-12 satisfy the requirements of 35 U.S.C. 112, and allowance thereof is respectfully requested.

Respectfully submitted,



Randall E. Deck, Agent of Record  
Registration No. 34,078

Peoria, IL

309/681-6515

FAX: 309/681-6688

202/720-4866 or -2421